



COUNTY ADMINISTRATOR  
220 NORTH MAIN STREET, P.O. BOX 8645  
ANN ARBOR, MICHIGAN 48107-8645  
(734)996-3055  
FAX (734)994-2592

TO: Felicia Brabec, Chair  
Ways & Means Committee

THROUGH: Verna J. McDaniel  
County Administrator

FROM: Diane M. Heidt, Director  
Human Resources / Labor Relations

DATE: September 4<sup>th</sup>, 2013

SUBJECT: Reaffirming the policy of nondiscrimination in employment

**BOARD ACTION REQUESTED:**

It is requested that the Board of Commissioners approve a resolution reaffirming the Affirmative Action Plan, as well as other nondiscrimination in employment related policies.

**BACKGROUND:**

On March 15, 1967, and December 17, 1968, the Washtenaw County Board of Supervisors approved a resolution stating its commitment to a policy of nondiscrimination in employment and services to the public. On June 20, 1973, the Washtenaw County Board of Commissioners approved a resolution which stated its intention to comply with all Federal and State legislation covering nondiscrimination, and moreover, stated its intent "to actively recruit, hire, train, upgrade and manage its personnel with equality of opportunity for all individuals without conscious, unconscious, intentional or unintentional discrimination." In November, 1978, the Board of Commissioners adopted an updated plan for affirmative action which established goals for 1979. On April 4, 1979, the Board of Commissioners modified its plan to include disabled veterans and veterans of Vietnam era. On October 5, 1983, the Board of Commissioners reaffirmed the policy of nondiscrimination.

**DISCUSSION:**

As recognized through prior commitments, Washtenaw County continues to be an Equal Opportunity Employer, recognizing the value and contributions of all individuals, without regard to race, creed, color, gender, gender identity, gender expression, sexual orientation, religion, national origin, age, handicap, veteran status, marital status, height, weight, political belief, or other factors which may not lawfully be used as the basis for an employment decision.

As such, it is timely to reaffirm its unwavering commitment to equality of opportunity for all reasons.

**IMPACT ON HUMAN RESOURCES:**

Implement and oversee revised policies

**IMPACT ON BUDGET:**

None

**IMPACT ON INDIRECT COSTS:**

None

**CONFORMITY TO COUNTY POLICIES:**

None

**ATTACHMENTS/APPENDICES**

- Affirmative Action Plan
- Statement of Equal Employment Opportunity
- Discrimination in Employment Policy
- Sexual Harassment Policy

A RESOLUTION REAFFIRMING THE AFFIRMATIVE ACTION PLAN, AS WELL AS  
OTHER NONDISCRIMINATION IN EMPLOYMENT RELATED POLICIES

WASHTENAW COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 18, 2013

WHEREAS, on March 15, 1967, and December 17, 1968, the Washtenaw County Board of Supervisors approved a resolution stating its commitment to a policy of nondiscrimination in employment and services to the public; and

WHEREAS, on June 20, 1973, the Washtenaw County Board of Commissioners approved a resolution which stated its intention to comply with all Federal and State legislation covering nondiscrimination, and moreover, stated its intent "to actively recruit, hire, train, upgrade and manage its personnel with equality of opportunity for all individuals without conscious, unconscious, intentional or unintentional discrimination."; and

WHEREAS, in November, 1978, the Board of Commissioners adopted an updated plan for affirmative action which established goals for 1979; and

WHEREAS, on April 4, 1979, the Board of Commissioners modified its plan to include disabled veterans and veterans of Vietnam era; and

WHEREAS, on October 5, 1983, the Board of Commissioners reaffirmed the policy of nondiscrimination; and

WHEREAS, the Washtenaw County Board of Commissioners believes it is timely to reaffirm its unwavering commitment to equality of opportunity for all reasons.

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners reaffirms its intent to prohibit discrimination in Washtenaw County against any person in recruitment, certification, appointment, retention, promotion, training and discipline on the basis of race, creed, color, gender, gender identity, gender expression, sexual orientation, national origin, age, handicap, veteran status, marital status, height, weight, religion and political belief.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners shall strive to promote a workforce that welcomes and honors all persons and that provides equal opportunity in employment.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners directs the Human Resources / Labor Relations Director to update the Affirmative Action Plan, as well as policies ***Prohibiting Discrimination in Employment, Sexual Harassment, and the County's Statement of Equal Employment Opportunity*** to reflect the Boards commitment and reaffirmation described herein.

## AFFIRMATIVE ACTION PLAN

### I. BACKGROUND AND COMMITMENT

#### A. Reaffirmation of the equal Employment Opportunity Policy

It has been and will continue to be the policy of Washtenaw County to be an Equal Opportunity Employer. The objective of County employment is to recruit, hire, train and promote into all job levels qualified applicants without regard to race, creed, color, ~~sex~~ **gender, gender identity, gender expression**, ~~sexual preference~~ **orientation**, religion, national origin, age, handicap, veteran status, marital status, height, weight, political belief, or other factors which may not lawfully be used as the basis for an employment decision. All decisions are made by utilizing objective standards based on the individual's qualifications as they relate to job vacancies and to the furtherance of Equal Employment Opportunity. All other personnel decisions such as compensation, benefits, transfers, layoffs, return from layoff, training programs, education, tuition assistance, social and recreational programs will also be administered without regard to race, creed, color, ~~sex~~ **gender, gender identity, gender expression**, ~~sexual preference~~ **orientation**, religion, national origin, age, handicap, veteran status, marital status, height, weight, political belief, or other factors which cannot lawfully be used as the basis for an employment decision.

#### B. The County will undertake a program of Affirmative Action to which good faith efforts will be directed to:

1. Determine the extent to which minorities and women are underutilized in major categories;
2. Identify and eliminate the specific causes of such underutilization;
3. Identify and eliminate all employment practices which have an adverse impact on minorities, women and others protected by applicable law;
4. Replace such practices by others which are based on merit and valid job classifications;
5. Develop substantial applicant pools of validly qualified minorities and women, special recruitment efforts and other measures to insure that sufficient numbers of these groups, as well as handicapped individuals and veterans, are included to help reduce their underutilization.
6. Develop, through special recruitment efforts and other measures, applicant pools in which handicapped persons and Vietnam era veterans are more equitably represented;
7. Project goals and timetables to include estimates of the representation of minorities and women; and

8. Establish organizational structures and monitoring systems that will assure effective operation of the Affirmative Action Program, achievement of its goals and means for modification of the plan, as needed.
- C. Washtenaw County reaffirms its policy of nondiscrimination in Public Service on the basis of the race, creed, color, ~~sex~~ **gender, gender identity, gender expression,** sexual preference **orientation,** religion, national origin, age, handicap, veteran status, marital status, height, weight, political beliefs, or any other impermissible grounds in the provision of all services provided to members of the public by all agencies and facilities of Washtenaw County. Washtenaw County commits itself to a continuing program to assure that unlawful discrimination does not occur in the service it renders to the public and that sectors of the public most affected by this policy be informed of its content.
- D. Washtenaw County undertakes to comply fully with all applicable Federal and State Laws relating to equal opportunity, affirmative action and nondiscrimination in public service. The plan specifically addresses the obligations of Washtenaw County under the following laws and regulations: Title VI of the Civil Rights Act of 1964, as amended; Title VII of the Civil Rights Act of 1964, as amended; Executive Order 11246, as amended; the Equal Pay Act of 1963; the Rehabilitation Act of 1973, with special attention to Sections 503 and 504; the Vietnam Era Veterans Rehabilitation Act of 1974; Title IX of the Education Amendments of 1972; Michigan Public Law 220 Handicapper Civil Rights Act; and the Elliott Larson Civil Rights Act.

## II. DISSEMINATION OF POLICY

### A. Internal Dissemination

Washtenaw County's policy on Equal Employment Opportunity and Affirmative Action has been and will continue to be brought to the attention of our employees and to the public in the following ways:

1. Publicize the policy in reports to the public and other media.
2. Distribute the Personnel Policy Manual which is presently being developed and includes this policy.
3. A copy of the Affirmative Action plan will be given to each department head. They will be requested to review the plan and make its contents known to all supervisors in the department and to acknowledge that they have taken those steps.
4. Conduct special meetings with department heads and selected supervisory personnel to explain the intent of our Equal Employment Opportunity and Affirmative Action Policy and to describe individual responsibilities for effective implementation, making clear to all the intent and attitude of the Washtenaw County Board of Commissioners.

5. Meet with union officials to inform them of the County Policy and to coordinate their cooperation.
6. Discuss the policy in all employee orientation of management training programs.
7. All Washtenaw County Human Resources letterhead will continue to include the statement that "Washtenaw County is an Equal Opportunity Employer".
8. When employees are featured in brochures of other publications, attempts will be made to feature male and female, minority and non-minority, and handicapped employees.
9. Post the policy on bulletin boards available for the public and employees of Washtenaw County.

#### B. External Dissemination

Washtenaw County's policy on Equal Employment Opportunity and Affirmative Action has been and will continue to be explained to outside source through the following means:

1. This Affirmative Action Plan and its supporting data is a public document. One or more copies of each document will be kept on file at the Ypsilanti Public Library, Ann Arbor Public Library, Washtenaw County Library, the Clerk/Register's Office, and the Washtenaw County Human Resources and made available to interested persons for review upon request.
2. Inform all of the County's recruiting sources, verbally and in writing, of Washtenaw County's Equal Employment Opportunity and Affirmative Action Policy. Washtenaw County will encourage these sources to actively recruit and refer minorities, women and handicapped for all positions listed.
3. Incorporate the Equal Opportunity clause in all purchase orders and other contracts.
4. Notify minority and women's' community organizations, other agencies, community leaders, school and colleges of the Washtenaw County Policy on Equal Opportunity and Affirmative Action.

### III. RESPONSIBILITY FOR IMPLEMENTATION

Ultimate responsibility for achievement of Equal Employment Opportunity in Washtenaw County through this Affirmative Action Plan and otherwise is assigned to the County Board of Commissioners under both the law and principles of sound public administration. The County Board, through its County Administrator, assigns responsibility for the day-to-day operations and implementation of this plan to the ~~Director of Personnel~~ **Human Resources Director**.

- A. The responsibilities of the Human Resources Director include:

1. Development of written Affirmative Action Plan for Washtenaw County and the annual updating of it to conform with all applicable laws and regulations.
2. Internal and external communication about the plan to pertinent groups and individuals.
3. The provision of development, direction and coordination of programs established under the plan.
4. Collection, analysis, and proper publication of statistical data called for in this plan.
5. The preparation of all government reports required with regard to Equal Employment Opportunity in Washtenaw County and to the operation of this plan.
6. Provision of assistance to department heads of other personnel who need technical advice or administrative support in meeting their responsibilities under this plan and under applicable Equal Employment Opportunity laws and regulations generally.
7. Provision of assistance in the identification of problem areas and assistance to line management in arriving at solutions to problems.
8. The design and implementation of audit and reporting systems that will:
  - a. Measure effectiveness of the Washtenaw County Affirmative Action Program.
  - b. Indicate need for remedial action.
  - c. Determine the degree to which Washtenaw County's goals and objectives have been attained.
  - d. Permit the County Administrator to evaluate compliance of department heads with the plan.
9. Serving as liaison between Washtenaw County and state and federal enforcement agencies.
10. Keeping the Board of commissioners informed of current developments in the Equal Opportunity area.
11. Maintaining all central personnel records in a manner consistent with applicable employment practices, laws, and regulations and with the requirements of this Plan.
12. Developing and maintain all personnel directives in a manner that is consistent with applicable laws and regulations and this Plan.

13. Periodically reviewing Washtenaw County's classification system, benefits package, leave policies, training and career development programs, and other employment practices to assure that all such practices conform with current legal and regulatory requirements and the provisions of this plan.

#### B. Department Head Responsibilities

Department Heads in Washtenaw County will be evaluated on their efforts toward Equal Employment Opportunity and Affirmative Action efforts in the following areas:

1. Assist in the identification of problem areas and establishment of department and/or unit goals and objectives.
2. Develop active involvement with local minority organizations, women's organizations, community action groups and community service programs.
3. Make periodic audits of hiring and promotion patterns to identify impediments to the attainment of established goals and objectives.
4. Conduct regular discussions with supervisors and employees to be certain that Washtenaw County policies are being followed.
5. Review the qualifications of department employees to ensure that minorities, women, veterans, and the handicapped are being given full opportunities for transfers and promotions.
6. Inform supervisors what is expected in regard to the Equal Employment Opportunity efforts.
7. Take action to prevent harassment of employees on the basis of race, creed, color, ~~sex~~ **gender, gender identity, gender expression**, sexual preference **orientation**, religion, national origin, age, handicap, veteran status, marital status, height, weight, political belief, or other prohibited factor.
8. Attempt to feature male, female, minority and non-minority and handicapped employees when producing brochures and other publications.
9. To provide written justification for not hiring a qualified woman, minority or handicapped applicant if required or requested to do.
10. Recommend specific referral sources to develop appropriate representation of minorities, women, veterans, and handicapped persons in its applicant pool.

#### IV. MONITORING OF KEY ISSUES

A thorough analysis of the following factors will be conducted paying particular attention to trainees and entry level employees

- C. Composition of the work force by minority group status and ~~sex~~ **gender**.



- D. Composition of job applicants by minority groups status and ~~sex~~ **gender**.
- E. The total selection process including position descriptions, position specifications, application forms, interview procedures, test administration, test validity, referral procedures, final selection process and similar factors.
- F. Training programs. All training programs are offered equally to all eligible employees. A tuition reimbursement program is available to all employees.
- G. Transfer and promotion factors. It has been the policy of Washtenaw County to promote in conformity with union contracts where applicable. Promotions are based on seniority where applicable as well as ability without regard for race, creed, color, ~~sex~~ **gender, gender identity, gender expression**, sexual preference **orientation**, religion, national origin, age, handicap, veteran status, marital status, height, weight, political belief. All factors affecting eligibility for transfer or promotion arise out of job related qualifications of the individual.

In those positions not subject to union contracts it is the policy of the county to determine transfers and promotions by the related qualifications of the individuals without regard for race, creed, color, ~~sex~~ **gender, gender identity, gender expression**, sexual preference **orientation**, religion, national origin, age, handicap, veteran status, marital status, height, weight, or political belief.

- H. County sponsored recreation and social events will be offered equally to employees without regard to race, creed, color, ~~sex~~ **gender, gender identity, gender expression**, sexual preference **orientation**, national origin, age, handicap, veteran status, marital status, height, weight, political belief, or other prohibited factors.

## V. UTILIZATION ANALYSIS

In compliance with applicable government regulations and as set forth in this Plan, Washtenaw County will conduct a utilization analysis. The analysis will be conducted for minority group members and for women and will be constructed to determine on both a County wide and a departmental basis the extent to which minority group members and women have been employed in major occupational categories by Washtenaw County at rates which are consistent with their availability in the relevant labor markets. Estimates of availability will be based on the presence of minorities, women and others who are qualified for employment in each occupational category under criteria which are validly related to job performance in each job category covered by the analysis.

### A. Work Force Analysis

A work force analysis is defined as a listing of each job title as it appears in payroll records, ranked from the lowest paid to the highest paid.

### B. Job Group Analysis

The job group analysis for Washtenaw County has grouped together jobs on the basis of similar skills, pay rates and opportunities (or potential upward mobility) and

in some cases EE04 categories have been used for grouping. However, some job titles require different job groups and refinements of EE04 categories have been necessary.

### C. Availability Determination and Utilization Analysis

All major job groups within Washtenaw County have been examined to determine whether minorities and women are being underutilized in comparison to their availability. In determining whether there is underutilization, eight factors have been separately examined for minorities and women.

The eight factors for minorities are:

1. The minority population of the labor area surrounding Washtenaw County government facilities.
2. The size of the minority unemployment force in the labor area surrounding Washtenaw County government facilities.
3. The percentage of the minority work force as compared with the total work force in the immediate labor area.
4. The general availability of minorities having requisite skills in the immediate labor area.
5. The availability of minorities having requisite skills in an area in which Washtenaw County can reasonably recruit.
6. The availability of promotable and transferable minorities already employed by Washtenaw County.
7. The existence of training institutions capable of training persons in requisite skills.
8. The degree of training which Washtenaw County is reasonably able to undertake as a means of making all job classes available to minorities.

The eight factors used for women are:

1. The size of the female unemployment force in the labor area surrounding Washtenaw County government facilities.
2. The percentage of the female work force as compared with the total work force in the immediate labor area.
3. The general availability of women having requisite skills in the immediate labor area.

4. The availability of women having requisite skills in the area which Washtenaw County can reasonably recruit.
5. The availability of women seeking employment in the labor or recruitment area of Washtenaw County government facilities.
6. The availability of promotable and transferable employee's within Washtenaw County's present work force.
7. The existence of training institutions capable of training persons in the requisite skills.
8. The degree of training which Washtenaw County is reasonably able to undertake as a means of making all jobs classes available to women.

#### D. Establishment of Goals and Timetables

Using the job group analysis and availability analysis as a base, Washtenaw County will establish goals and timetables to remedy those areas where underutilization exists. The Human Resources Director will work with the Affirmative Action Committee of the Board and the Affirmative Action Advisory Group in the establishment of these goals and timetables. These goals will be specific and measurable. These goals will also be specific as to attainability and results sought. While the goals are certainly not rigid or inflexible quotas, every good faith effort will be applied to the attainment of these goals. In developing these goals and establishing the timetables for completion we will consider the anticipated expansion of some job groups and the anticipated contraction of other job groups. Furthermore the expected turnover within the different job groups will be considered. Separate goals and timetables will be set for minorities and for women. Goals and timetables will be set for each area where a deficiency has been found.

## VI. DEVELOPMENT & EXECUTION OF PROGRAMS

### A. Techniques

Washtenaw County insures that minority and women employees have equal Employment Opportunity for all promotions by using the following techniques:

1. Promotional opportunities have been and will continue to be posted at a variety of location available to current and potential employees.
2. For those minority and women employees who have academic training, skills, and/or related experience pertinent to possible promotion, the County will develop techniques to provide such employees enhanced visibility. Such techniques may include career counseling, volunteer corps, career enhancement resource center, and skills bank. Each technique will be reviewed by the advisory group for effectiveness.

The results of these efforts will allow the identification of particular employees with potential for advancement as well as the analysis of the workforce and identification of the need for support programs.

3. Formal employee evaluation programs have been developed and implemented. These formal employee evaluation programs will be used to identify exemplary employees for promotion with particular emphasis on women, veterans, minority and handicapped employees ready to be promoted.
4. Specifications for each job description have been validated on job performance related criteria. Washtenaw County uses only relevant (measurable, demonstrable and necessary to do the job) criteria for job descriptions.
5. In a department that has goals for minorities or women if an apparently qualified person, especially minority or woman applicant is not hired or is passed over for promotion, the Department Heads will be required to submit written justification to the Human Resources Department before an offer of employment may be made to any other candidates.
6. Seniority clauses of collective bargaining agreements will be reviewed for practices that have the potential to be discriminatory in effect on women and minority employees. If such potentially discriminatory practices are identified, the Commissioners will be apprised of such problems with union contracts, and such clauses will be re-negotiated. A union will be informed in any particular case of its responsibility under Title VII for equality of opportunity and affirmative action, and its equal liability with the County for any problems in this area.
7. It will be the position of Washtenaw County to continually review its collective bargaining contracts and personnel policies for the possibility of additional programs or areas where affirmative action efforts can be encouraged and advanced.

#### B. Reporting and Internal Audit System

The Director of Human Resources is responsible for the establishment and implementation of the auditing and reporting system. He or she reviews this system on a quarterly basis. The reporting and auditing system includes:

1. The maintenance of accurate and up-to-date records on all applicants, hires, promotions, transfers and terminations by race and ~~sex~~ **gender**.
2. Review of all promotions, transfers and terminations to be certain that all employees are treated on a fair and equitable basis.
3. The review of all selection, promotion, and training procedures to be certain there is no discrimination.

4. Reporting on a regular basis, to the Washtenaw County Administrator and the Washtenaw County Board of Commissioners on the effectiveness of the policy and any recommendations for improvements.

#### C. Support of Action Programs

The development of search strategies for qualified minorities and women for executive level appointments shall take place. This will be a continuing function of the Human Resources Director in consultation with the Affirmative Action Advisory Group, the County Administrator and the Washtenaw County Board of Commissioners.

Washtenaw County recognizes that preferential hiring on the basis of minority status or ~~sex~~ **gender** would be unlawful even as means of addressing underutilization of minorities and women. Accordingly, Washtenaw County undertakes a vigorous program of affirmative recruitment for minority group members and women in all job categories in which they have found to be underutilized.

Regardless of whether or not underutilization currently exists, Washtenaw County will conduct an expanded program of open recruitment in all positions to avoid the possible discriminatory effects of the organization's systems.

Each responsible department shall recommend specific referral sources to be contacted by the Human Resources Department to develop appropriate representation of minorities and women in its applicant pool.

#### D. Nepotism Policy

Washtenaw County will not prohibit employment of relatives in the same department provided that neither relative participates in making recommendations or decisions specifically affecting the appointment, retention, work assignment, promotion, demotion, salary or working conditions of the other relative.

The term relative shall be defined as the parent, parent of spouse, spouse, sibling, child, grandparents, grandchild, or someone with whom the employee has a legal guardian relationship, or a related member of the employee's household.

All instances regarding employing relatives must be referred to the Human Resources Director.

### VII. COMPLIANCE WITH ~~SEX~~ **GENDER** DISCRIMINATION GUIDELINES

It has been and continues to be the policy of Washtenaw County not to discriminate on the basis of ~~sex~~ **gender** and to this end we shall continue to require the following:

#### A. Recruitment and Advertising

Washtenaw County actively recruits both men and women for all jobs. No ~~sex~~ **gender** segregated exclusion exists within Washtenaw County's recruitment.

Referral sources are informed that Washtenaw County has no specific ~~sex~~ **gender** preference and seeks only qualified applicants without regard to race, creed, color, sexual preference **orientation, gender identity, gender expression**, religion, national origin, age, handicap, veteran status, marital status, height, weight, and political belief. Advertisements when placed in newspapers and other media for employment do not express a ~~sex~~ **gender** preference. All advertisements are followed by the statement that Washtenaw County is an Equal Opportunity Employer.

#### B. Job Policies and Practices

1. All written personnel policies clearly stipulate that all policies and practices apply to every employee on an equal basis regardless of the ~~sex~~ **gender** of the employee.
2. All male and female employees have an equal opportunity to any job to which they are both otherwise qualified.
3. No distinction is made between the sexes in regard to equal opportunity, wages, hours or other conditions of employment.
4. There is no distinction made between the treatment of married women versus married men.
5. Washtenaw County provides appropriate and equal physical facilities to both female and male employees.
6. Women are not penalized in their employment because they require time away on account of childbearing. Our sick leave policy includes provisions for maternity leave. Seniority, position, and other benefits are retained when the employee returns to work.
7. No difference is made between women and men as to retirement age for any particular job.

#### C. Seniority System

One uniform seniority list is maintained for all employees within each bargaining unit regardless of ~~sex~~ **gender**.

#### D. Non-discriminatory Wages

Our wage schedules are based on actual job skills required regardless of the ~~sex~~ **gender** of the employee. No employee is restricted from seeking employment in any job classification.

#### E. Affirmative Action

Washtenaw County shall take Affirmative Action to recruit women to apply for those

jobs in which they have been previously underrepresented. Women are actively recruited for positions into all job levels. Women have equal access to all training programs and benefits offered by Washtenaw County.

#### F. Classification Review

Washtenaw County is committed to the principle consistent with the law and government policy, that individual employee should be compensated according to the value of their work without discrimination on the basis of factors not related to their work. Similarly qualified individuals performing substantially the same work under comparable conditions are paid on an equal basis.

#### G. External Relationships, Unions, Employment Agencies and Contractors

Nothing in this plan should be interpreted as invalidating any lawful provision of any contract existing between Washtenaw County and any duly established bargaining agent of employees. Conversely, Washtenaw County will not be a party to a collective bargaining agreement or any provision thereof which violates Equal Employment Opportunity laws and regulations to which Washtenaw County is subject.

The appropriate officials of all unions and other bargaining agents with which Washtenaw County has contracts will be provided copies of this Affirmative Action Plan and be advised of the responsibilities of all employees, including union members, under it.

All contractors having contracts with Washtenaw County and its various agencies who are subject to Executive Order 11246 as well as any applicable state or local laws or regulations regarding nondiscrimination in government contracts will be advised of Washtenaw County's policy of nondiscrimination and of the contractors obligations there under.

Washtenaw County will not enter into any contract with the knowledge of belief that the contractor may discriminate on prohibited grounds of employment.

In appropriate instances, Washtenaw County will negotiate specific Affirmative Action measures in pending contracts.

### VIII. COMPLIANCE WITH RELIGIOUS OF NATIONAL ORIGIN DISCRIMINATION GUIDELINES

#### A. Commitment

Washtenaw County does not discriminate on the basis of religion or national origin in any term or condition of employment. All applicants for employment are treated without regard to religion or national origin. All employment actions, including but not limited to the following: employment, promotion, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rate of pay or other forms of compensation and selection for training will be carried out in a non-discriminatory

manner. Washtenaw County shall review its employment practices to determine whether members of various religious or ethnic groups are receiving fair consideration for job opportunities. Based upon findings of such reviews, if any discrimination is found, Washtenaw County will undertake appropriate remedial efforts such as:

1. Communication of our obligation to provide Equal Employment Opportunity without regard to religion or national origin is such a manner as to foster understanding, acceptance and support among our executive management, supervisory and all other employees, and to encourage them to cooperate in meeting our obligations.
2. Development of reasonable procedures to ensure Washtenaw County's obligation to provide Equal Employment Opportunity without regard to religion or national origin is being fully implemented.
3. Enlisting the assistance and support of all recruitment sources in meeting our commitment to provide Equal Employment Opportunity without regard to religion or national origin.

#### B. Accommodations to Religious Observance and Practice

Washtenaw County will reasonably accommodate to the religious observance and practice of an employee or prospective employee, unless it is unable to do so without undue hardship in the conduct of the Washtenaw County business. In determining the extent of our obligation under this section, we shall consider business necessity, financial costs, and recruiting personnel problems.

### IX. SEXUAL HARASSMENT POLICY

It is the policy of Washtenaw County that employees or members of the public shall not be sexually harassed by any County employee. Sexual harassment is a form of sex discrimination under Federal and State laws and interferes with the proper employment or service relationship. Accordingly in line with State and Federal regulations Washtenaw County has promulgated the policy described below:

Under Title VII of the Civil Rights Act, the Elliott-Larsen Act, and Washtenaw County's Affirmative Action Policy, all personnel decisions (including decisions affecting hiring, promotions, transfers, work assignments, receipt of benefits or participation in County programs) are made on the basis of an individual's qualification regardless of race, creed, color, ~~sex~~ **gender, gender identity, gender expression**, sexual preference **orientation**, religion, national origin, age, handicap, veteran status, marital status, height, weight, or political belief. Consistent with this policy, the County prohibits any official, supervisor, agent, or employee from sexually harassing another employee or applicant for employment, nor are personnel decisions to be based on an individual's submission or rejection of such advances.

All complaints of sexual harassment will be investigated promptly and where necessary, immediate appropriate action will be taken to stop and remedy any such conduct. Any



supervisor, agent or employee found in violation of this policy is subject to disciplinary action, including discharge.

Any employee who feels that he or she has been or is being subjected to sexual harassment is urged to immediately contact the designated officials (see below) and to make a written report of such harassment.

Sexual harassment is defined as un-welcomed sexual advances either verbal or physical, where:

1. Submission to the advances is a term or condition of employment.
2. Submission to or rejection of the advances is used as the basis for making employment decisions.
3. Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Some examples of implicit sexual harassment are:

- Explicit or implicit promise of career advancement, training, awards, lax time-keeping or lower standards of performance in return for sexual favors.
- Explicit or implicit threats that if the sexual demands are rejected, the victim will not be promoted will receive a poor performance appraisal or be reassigned to a less desirable position/location.
- Deliberate, repeated, unsolicited verbal comments, gestures or physical actions of sexual nature (e.g., touching, pinching or patting).

## X. SEXUAL ORIENTATION

In accordance with the Board of Commissioners policy no employee shall be discriminated upon on the basis of **gender expression**, sexual or affectional preference in any term or condition of employment. County grievance procedures available through union contracts and/or through the Human Resources Department are available for informal or formal resolution of discrimination on the basis of sexual orientation.

## XI. DISABLED VETERANS OF THE VIETAM ERA

### A. Definitions:

1. Veterans of the Vietnam era are defined as persons who:
  - i. Served on active duty for a period of more than 180 days and any part of which occurred between August 5, 1964 and May 7, 1975 and was discharged or released there from with other than a dishonorable discharge, or; was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975.
2. A Disabled veteran means a person entitled to disability compensation under laws administered by the Veterans Administration for disability rated at 30% or

more, and whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

B. Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era

1. Washtenaw County will not discriminate against any employee of applicant for employment because he or she is a disabled veteran or veteran of the Vietnam era in regard to any position for which the employee or applicant for employment is qualified. Washtenaw County will take affirmative action to employ, advance in employment and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based on their disability or veteran status in all employment practices such as the following:

Employment, promotion, demotion, transfer, recruitment, advertising, layoff, termination, rates of pay or other forms of compensation and selection for training.

2. Washtenaw County agrees that all employment openings which exist shall be listed at the local office(s) of the State employment service system. Washtenaw County will provide reports to local offices regarding employment openings and hires as necessary.
3. Washtenaw County will post in conspicuous places available to employees and applicants for employment notices stating our obligation under the law to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era for employment and the rights of applicants and employees.
4. Washtenaw County will notify each labor union or representative of workers with which is has been a collective bargaining agreement or other contract understanding that is bound by the terms of the Vietnam era veterans Readjustment Assistance Act and is committed to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam Era
5. Washtenaw County will make reasonable accommodations to the physical and mental limitations of a disabled veteran unless such an accommodation would pose an undue hardship on the conduct of its business. In determination of the extent of its accommodation obligations, Washtenaw County will consider the following factors among others: business necessity and financial costs.
6. In offering employment and promotions to disabled veterans and veterans of the Vietnam era, Washtenaw County will not reduce the amount of any compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.

7. Washtenaw County shall review its employment practices to determine whether personnel programs provide affirmative action for employment and advancement of qualified disabled veterans and veterans of the Vietnam era.
8. Washtenaw County will periodically inform all employees and all prospective employees of its obligation and commitment to engage in affirmative action to increase employment opportunities for qualified disabled veterans and veterans of the Vietnam era.
9. Washtenaw County will undertake appropriate outreach and recruitment activities and will enlist the assistance and support of all recruiting sources including:
  - a. The veterans' representative in the local State Employment Service office.
  - b. The Veterans' Administration Regional Office
  - c. The Veterans' Counselor and Coordinator on college campuses
  - d. The service officers of national veteran groups active in Washtenaw County
  - e. The Washtenaw County Office of Veteran Affairs
  - f. The Washtenaw, Ann Arbor, and Livingston Training and Education Center (WALTEC)

## XII. HANDICAPPED PERSONS

### A. Policy

It is the policy of Washtenaw County that no qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity of Washtenaw County. Washtenaw County will make all decisions regarding employment in any program or activity in a manner which assures that discrimination on the basis of handicap does not occur and will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

Washtenaw County will not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by Section 503 of the Rehabilitation Act of 1973. The term "Relationship" is meant to include but is not limited to relationships with referral agencies, labor unions, organization administering fringe benefits to employees and organizations providing training and apprenticeship programs.

Washtenaw County will not discriminate in recruitment advertising and processing of application for employment or in hiring, upgrading, promotion, award, demotion,

transfer, layoff, termination, right of return from layoff, retirement, rates of pay or any other form of compensation or change in compensation, job assignments, job classifications, organizational structures, position descriptions, lines of progression or seniority lists, structures, leaves of absence, sick leave or any other leave, fringe benefits, activities including social or recreational program, or any other term, condition or privilege of employment. Washtenaw County will take affirmative action to employ, advance in employment and otherwise treat qualified handicapped status in all employment practices such as the following:

Employment, promotion, demotion, transfer, recruitment, advertising, layoff, termination, rates of pay or other forms of compensation and selection for training.

It shall be the responsibility of the Washtenaw County Board of Commissioners through the County Administrator and the Human Resources Director to coordinate and implement this policy.

#### B. Definition

“Handicapped individual” means any person who: 1) has a physical or mental impairment which substantially limits one or more major life activities, or 2) has a record of such impairment, or 3) is regarded as having such an impairment.

#### C. Reasonable Accommodation

Washtenaw County will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee unless undue hardship on the operation of the program can be demonstrated.

Reasonable accommodation will include:

1. Making facilities used by employees readily accessible to and usable by handicapped persons and
2. Job restructuring, modified work schedule, acquisition or modification of equipment or devices, the provision of readers or interpreters or other similar actions.

In determining whether an accommodation would impose an undue hardship on the operation of its program, Washtenaw County will consider the following factors.

- a. The overall size of the program
- b. The type of the operation
- c. The nature and cost of the accommodation required

#### D. Dissemination of Policy

Information about Washtenaw County's policy on employment of handicapped

persons will be disseminated to recruiting sources and prospective employees in the following ways:

1. A copy of the policy on the employment of handicapped persons will be communicated periodically to the Washtenaw County community through reports and news articles.
2. Education will be provided to Department Heads, supervisors, and union representatives concerning employment of the handicapped.
3. Washtenaw County's Equal Opportunity and Affirmative Action Policy for Handicapped Persons will be communicated to the public by means of appropriate posters in Washtenaw County offices.
4. All Washtenaw County employment announcements will include the phrase "An Equal Opportunity Employer"
5. Notices will be sent to recruiting sources to inform them of Washtenaw County's policy and Affirmative Action program on the employment of handicapped persons.
6. The equal Opportunity clause will be incorporated into all purchase orders, leases, and contracts.

#### E. Employment and Placement

1. All applicants for employment will be considered on the basis of their qualification regardless of physical or mental handicaps.
2. Employment procedures will be reviewed to ensure that they are fair and equitable to all applicants and employees regardless of physical or mental handicap.
3. Recordkeeping practices for known handicapped applicants and employees will be modified as necessary to conform to the Affirmative Action requirements of the U.S. Department of Labor guidelines and to provide annually a report to the Washtenaw County Board of Commissioners on the status of employment of the handicapped.

When an identified handicapped qualified person is not hired or is passed over for promotion, the Department Head may be required by the Human Resources Director to submit written justification for the rejection to the Human Resources Department before an offer of employment may be made to any other candidate.

4. Where accommodations for handicapped employees are made, a description of the accommodations will be kept in the employee's file.

5. Physical examinations and job qualifications will be geared specifically to actual requirements of the job for which an applicant is being considered.

#### F. Training

Selection of employees for training programs will be made without regard to physical or mental handicaps. If the employee's qualification for positions resulting from such programs are otherwise consistent with this policy, training programs will make reasonable accommodations for handicapped employees.

#### G. Facilities and Activities

1. Washtenaw County has initiated and will continue its efforts in construction and reconstruction programs, as well as such other activities related to its physical and attitudinal environment (i.e., policies, priorities, procedures, purchasing, replacement, maintenance) so as to establish equality for handicapped persons within Washtenaw County's employment opportunities.
2. All programs and services at all levels of Washtenaw County will be equally available to handicapped employees and members of the public.

## STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY

### I. Application

This policy shall govern the continued practices of Washtenaw County in accordance with Equal Employment Opportunity to actively recruit, hire, train, promote and manage its personnel with equality of opportunity for all individuals without conscious or intentional discrimination.

### II. General Policies

- A. The County shall recruit, hire, train and promote into all job levels qualified applicants without regard to race, creed, color, ~~sex~~ **gender, gender identity, gender expression**, sexual preference **orientation**, religion, national origin, age, handicap, veteran status, marital status, height, weight, political belief, or other factors ~~which~~ **that** may not lawfully be used as the basis for an employment decision.
- B. All decisions shall be made by utilizing objective standards based upon the individual's qualifications as they relate to job vacancies and to the furtherance of Equal Employment Opportunity.

## PROHIBITING DISCRIMINATION IN EMPLOYMENT

### I. Application

This policy shall govern the investigation and disposition of complaints of one employee discriminating against another.

### II. General Policies

- A. No employee shall engage in any activity which discriminates against another employee in the context of his/her employment on the basis of race, religion, color, national origin, age, **gender, gender identity, gender expression**, sexual orientation, height, weight, marital status, handicap, or veteran status.
- B. "Context of employment" includes any action undertaken by an employee affecting or intended to affect the performance and/or environment of another employee.
- C. Discrimination will not be tolerated in Washtenaw County.
- D. Any employee who is witness to, victim of, or has information regarding discrimination has an obligation to report it within 30 days, and file a Discrimination Complaint Form.
- E. An employee may report the incident to any of the following: the County Administrator, the ~~Director of Human Resources~~ **Director or his/her designee**, Corporation Counsel, **or** his/her department head ~~or the Human Resources Assistant for Affirmative Action/Equal Employment Opportunity~~.
- F. The ~~Director of Human Resources~~ **Director** will call for a prompt investigation.
- G. The ~~Director of Human Resources~~ **Director or his/her designee** will interview the reporting employee, and any other key witnesses involved, giving due consideration to the interests of the employee, his/her department, and the County, in addition to the merits of the claim and other relevant considerations.
- H. The ~~Director of Human Resources~~ **Director** and the County Administrator will determine the outcome of the investigation and proceedings thereof. Disciplinary action, leading up to **and including** termination **of employment** and/or prosecution by law, will be taken.
- I. No employee shall engage in any conduct designed or intended to be in retaliation of a discrimination complaint.



**DISCRIMINATION COMPLAINT FORM**

To Be Completed by Claimant

Claimant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: Home ( ) \_\_\_\_\_ Work ( ) \_\_\_\_\_

Department: \_\_\_\_\_

Date(s) of Alleged Discrimination: \_\_\_\_\_

Area of Discrimination: \_\_\_\_\_

Basis of Discrimination: \_\_\_\_\_  
(Race, Sex, Religion, etc.)

Description of Alleged Discrimination: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Complaint Received By: \_\_\_\_\_

Date Received: \_\_\_\_\_



To Be Completed by Respondent

Steps Taken Toward Resolution (Include Dates): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **SEXUAL HARASSMENT POLICY**

Washtenaw County shall endeavor to provide a workplace and environment free from sexual harassment for all of its employees. The county prohibits any official, supervisors, agent or employee from sexually harassing another employee, applicant for employment or member of the public. Personnel decisions shall not be based on an individual's submission to or rejection of such advances.

Under federal and state laws, sexual harassment is a form of sex discrimination which interferes with the proper employment or service relationship. Under Title VII of the Civil Rights Act, Elliott-Larson, and Washtenaw County's Affirmative Action Policy, all personnel decisions (including decisions affecting hiring, promotions, transfers, work assignments, receipt of benefits or participation in county programs) are made on the basis of an individual's qualifications regardless of race, creed, color, sex, sexual orientation, religion, national origin, age, handicap, veteran status, marital status, height, weight, or political belief.

Sexual harassment is defined as unwelcome sexual advances either verbal or physical, where:

1. Submission to the advances is a term or condition of employment.
2. Submission to or rejection of the advances is used as the basis for making employment decisions.
3. Such conduct interferes with the individual's work performance or creates an intimidating, hostile or offensive working environment.

Some examples of sexual harassment are:

- Explicit or implicit promise of career advancement, training, awards, lax time keeping or lower standards of performance in return for sexual favors.
- Explicit or implicit threats that if sexual demands are rejected, the victim will not be promoted will receive a poor performance appraisal or be reassigned to a less desirable position/location.
- Deliberate, repeated, unsolicited verbal comments, gestures or physical actions of sexual nature (e.g., touching, pinching, or patting).
- Conduct and/or sexually explicit material such as jokes, pinups, calendars, graffiti, vulgar statements, abusive language, innuendoes and references to sexual activity.

All complaints of sexual harassment shall be investigated promptly and where necessary, immediate appropriate action will be taken to stop and remedy any such conduct. Any supervisor, agent or employee found in violation of this policy shall be subject to disciplinary action, including discharge.

The County, upon confirmed knowledge of any incident or charges of sexual harassment, may take the necessary and appropriate corrective action if any employee is found in violation of this policy.

Any employee who feels that he or she has been or is being subjected to sexual harassment is urged to immediately contact the designated officials (~~see below~~) and to make a written report of such harassment (See attached form).

With sensitivity to issues of gender, the designated officials authorized to receive complaints of harassment will be one male and one female. The County Administrator shall designate such officials.

### SEXUAL ORIENTATION

In accordance with the Board of Commissioners policy, no employee shall be discriminated upon on the basis of **gender identity, gender expression**, sexual or affectional orientation in any term or condition of employment. County grievance procedures available through union contracts and/or through the Human Resources Department are available for informal or formal resolution of any allegation of discrimination on the basis of sexual orientation.

**WASHTENAW COUNTY HUMAN RESOURCES**  
**SEXUAL HARASSMENT COMPLAINT FORM**

**Name (Claimant):** \_\_\_\_\_

**Position Title:** \_\_\_\_\_

**Work Site:** \_\_\_\_\_

**Telephone – Work:** \_\_\_\_\_

**Dates of Alleged Harassment:** \_\_\_\_\_

**Area of Harassment:** \_\_\_\_\_

**Basis of Harassment:** \_\_\_\_\_  
*(race, sex, religion, etc.)*

**Description of the Alleged Harassment:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Name (Defendant):** \_\_\_\_\_

**Position Title:** \_\_\_\_\_

**Work Site:** \_\_\_\_\_

**Signature of Claimant:** \_\_\_\_\_

**Complaint Received By:** \_\_\_\_\_

**Date Received:** \_\_\_\_\_